

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/10/2023

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RICARDO TABOADA,

Movant,

-v-

UNITED STATES OF AMERICA,

Respondent.
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22-cv-08141 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Clerk of Court is respectfully directed to file the attached “Reply to Order” in Dkt. No. 22-cv-8141. The Reply to Order, originally filed in 19-cr-117, responds to an order issued by the Court in the parallel Section 2255 action filed by Mr. Taboada, 22-cv-8141.

SO ORDERED.

Dated: February 10, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
UNITED STATES OF AMERICA, : 19-cr-00117-LJL-1
:
Plaintiff, : **REPLY TO ORDER**
:
-v- :
RICARDO TABOADA, :
:
Defendant. :
:
-----X

Petitioner Ricardo Taboada (“Petitioner” or “Defendant”) respectfully files this reply to the order of court and represents as follows;

Background

Petitioner pled guilty and was sentenced on September 20, 2021 to Attempt and Conspiracy to Commit Bank Fraud in violation of 18 USC 1344 and was sentenced to 100 months imprisonment followed by 5 years of supervised release.

Argument and Issues Raised

Petitioner has no objection to the Petition being construed as a Petition under 28 USC 2255. However, Petitioner’s position is that because the issues arose after he was sentenced due to new cases a Petition for a Writ of Coram Nobis or Audita Querela is proper in this case. Accordingly, the court should hold a hearing on

whether in light of the above a Coram Nobis or Audita Querela is properly brought.

In addition, Petitioner does not object to the Petition being severed and a portion transferred to the United States District Court for the District of New Jersey, the venue of Petitioner's present detention.

WHEREFORE, the court should set a hearing on the issue of the Coram Nobis and Audita Querela challenge.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ricardo Taboada", is written above a horizontal line.

Ricardo Taboada

Ricardo Taborda
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